

— **EXHIBIT 17** —

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

*Starr*  
*Orley*

DIANA MEY, individually and on  
behalf of a class of all persons  
and entities similarly situated,

Plaintiff,

v.

// CIVIL ACTION NO. 5:11CV90  
(Judge Keeley)

MONITRONICS INTERNATIONAL, INC.,  
VERSATILE MARKETING SOLUTIONS, INC.,  
doing business as VMS Alarms, and  
UTC FIRE AND SECURITY AMERICAS  
CORP., INC.,

Defendants.

SUMMARY ORDER FOLLOWING HEARING

On May 4, 2012, the Court conducted a hearing on the motions for summary judgment filed by the plaintiff, Diana Mey ("Mey") and the defendants, Monitronics International, Inc. ("Monitronics"), Versatile Marketing Solutions, Inc. ("VMS"), and UTC Fire and Security Americas Corp. ("GE"). For the reasons stated on the record, the Court:

1. **GRANTED** Mey's motion for partial summary judgment as to the affirmative defense of consent (dkt. no. 91);

2. **DENIED IN PART** VMS's motion for summary judgment as to the affirmative defense of consent and **DENIED IN PART WITHOUT PREJUDICE** its motion as to the routine business practices affirmative defense contained at 47 C.F.R. § 64.1200(c)(2)(i) (dkt. no. 98);

MEY v. MONITRONICS INTERNATIONAL, ET AL.

5:11CV90

**SUMMARY ORDER**

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3. **DENIED AS MOOT** Mey's first and second motions to supplement her response to VMS's motion for summary judgment (dkt. nos. 117 and 124);

4. **GRANTED** Mey **LEAVE** to serve VMS with one round of interrogatories seeking the identities of the third-party callers VMS has used to generate sales leads since November 16, 2009;

5. **ORDERED** VMS and Mey to file a proposed joint protective order imposing a litigation hold on VMS's third-party callers no later than **Monday, May 21, 2012**;

6. **STAYED** the case until further notice, pending the Federal Communication Commission's ("FCC") declaratory ruling on the issue of "on behalf of" liability under the TCPA;<sup>1</sup> and

7. **ORDERED** Mey, Monitronics, and GE to file supplemental memoranda discussing the impact of the FCC's declaratory ruling on Monitronics' and GE's motions for summary judgment within 30 days of such ruling; and

8. **ORDERED** the parties to submit status reports every 45 days, with the first report due on **Friday, June 15, 2012**.

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<sup>1</sup> The FCC is currently soliciting public comment on the issue. Public Notice, 26 F.C.C.R. 5040 (April 4, 2011).

MEY v. MONITRONICS INTERNATIONAL, ET AL.

5:11CV90

**SUMMARY ORDER**

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The Court directs the Clerk to transmit copies of this Order to counsel of record.

DATED: May 11, 2012

/s/ Irene M. Keeley  
IRENE M. KEELEY  
UNITED STATES DISTRICT JUDGE